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Paper No. 11

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**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of :
Jerry L. Losee :
Application No. 09/223,870 : ON PETITION
Filed: December 31, 1998 :
For: MULTI SHOP SOCKET TOOL :

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2000, to revive the above-identified application. The decision mailed November 30, 2000 is vacated.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2).

The \$620 check dated November 16, 2000 for the petition to revive fee received in the Patent and Trademark Office on November 17, 2000 was returned for insufficient funds. Accordingly, this application stands abandoned until such time as the \$620 fee required under 37 CFR 1.137(b) is received. Additionally, a \$50 returned check fee must also be submitted to revive the instant application.

The \$620 petition fee and the \$50 returned check fee should be submitted under a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy